

May 1, 1940

Mr. Claton Perry
365 South Main Street
Cedar City, Utah

Dear Sir:

RE: COAL CREEK DISTRIBUTION.

I received your letter of April 18, 1940, in which you complained that Mr. J. T. Leigh, Water Commissioner on Coal creek had failed to deliver to you water according to your rights. So that there would be no misunderstanding in the matter, I wrote Mr. Leigh and sent him a copy of your letter. He replied promptly and I am enclosing herewith a copy of his letter.

After reading both your letter and his report, I am forced to the conclusion that you have been permitted to use water over a period of years - under protest, or without, the facts relative to which seem to be moot, but the decree failed to take into account or set up your rights. It is impossible therefore for Mr. Leigh to override the decree. On the contrary, he must divide the water according to its provisions - right or wrong. As a matter of fact, he is under bond to do just that.

Your only recourse, therefore, just or unjust as it may be, will be an appeal to the courts. The State Engineer, and much less the Water Commissioner, who is working under his jurisdiction, has no right whatsoever to adjudicate rights. The power of either extends only to a distribution of the water according to the rights involved. So far as I can see, Mr. Leigh has done just that as far as your rights are concerned.

Yours very truly,

T. H. Humphreys
STATE ENGINEER

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CC- Mr. J. T. Leigh

Encl. Copy of letter.

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